

House Study Bill 31 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to commission of a criminal offense involving
2 a victim fifteen years of age or younger, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.3, Code 2015, is amended to read as
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping where the purpose is to hold the victim
5 for ransom, or where the kidnapper is armed with a dangerous
6 weapon, or where the victim is fifteen years of age or younger,
7 is kidnapping in the second degree.

8 2. Kidnapping in the second degree is a class "B" felony.

9 3. For purposes of determining whether the person should
10 register as a sex offender pursuant to the provisions of
11 chapter 692A, the fact finder shall make a determination as
12 provided in section 692A.126.

13 Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph
14 1, Code 2015, is amended to read as follows:

15 Each inmate committed to the custody of the director of the
16 department of corrections is eligible to earn a reduction of
17 sentence in the manner provided in this section. For purposes
18 of calculating the amount of time by which an inmate's sentence
19 may be reduced, inmates shall be grouped into the following ~~two~~
20 three sentencing categories:

21 Sec. 3. Section 903A.2, subsection 1, paragraph a,
22 unnumbered paragraph 1, Code 2015, is amended to read as
23 follows:

24 Category "A" sentences are those sentences which are not
25 subject to a maximum accumulation of earned time of fifteen
26 percent of the total sentence of confinement under section
27 902.12 or category "C" sentences. To the extent provided
28 in subsection 5, category "A" sentences also include life
29 sentences imposed under section 902.1. An inmate of an
30 institution under the control of the department of corrections
31 who is serving a category "A" sentence is eligible for a
32 reduction of sentence equal to one and two-tenths days for each
33 day the inmate demonstrates good conduct and satisfactorily
34 participates in any program or placement status identified by
35 the director to earn the reduction. The programs include but

1 are not limited to the following:

2 Sec. 4. Section 903A.2, subsection 1, paragraph b, Code
3 2015, is amended to read as follows:

4 b. Category "B" sentences are those sentences which are
5 subject to a maximum accumulation of earned time of fifteen
6 percent of the total sentence of confinement under section
7 902.12 and are not category "C" sentences. An inmate of an
8 institution under the control of the department of corrections
9 who is serving a category "B" sentence is eligible for a
10 reduction of sentence equal to fifteen eighty-fifths of a day
11 for each day of good conduct by the inmate.

12 Sec. 5. Section 903A.2, subsection 1, Code 2015, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. c. Notwithstanding paragraphs "a" and "b",
15 an inmate serving a category "C" sentence is ineligible to
16 earn any reduction of sentence under this section. Category
17 "C" sentences are those sentences where the victim was fifteen
18 years of age or younger at the time the offense was committed
19 and is a violation of any of the following:

20 (1) Section 707.3 or 707.11.

21 (2) Section 709.2, 709.3, 709.4, or 709.8, section 709.11,
22 subsection 1 or 2, section 709.15, subsection 4, paragraph "a",
23 or section 709.15, subsection 5, paragraph "a".

24 (3) Section 710.3 or 710.4.

25 (4) Section 710A.2, subsection 2 or 4.

26 (5) Section 728.12, subsection 1 or 2, or section 728.12,
27 subsection 3, if the offense is classified as a felony.

28 Sec. 6. Section 903A.7, Code 2015, is amended to read as
29 follows:

30 **903A.7 Separate sentences.**

31 1. Consecutive multiple sentences that are within the
32 same category under section 903A.2 shall be construed as one
33 continuous sentence for purposes of calculating reductions of
34 sentence for earned time.

35 2. If a person is sentenced to serve sentences of both

1 categories, category "B" sentences shall be served before
2 category "A" sentences are served, and earned time accrued
3 against the category "B" sentences shall not be used to reduce
4 the category "A" sentences. If an inmate serving a category
5 "A" sentence is sentenced to serve a category "B" sentence,
6 the category "A" sentence shall be interrupted, and no further
7 earned time shall accrue against that sentence until the
8 category "B" sentence is completed.

9 3. If a person is sentenced to serve both a category "C"
10 sentence and another category sentence, the category "C"
11 sentence shall be served before the other category sentence
12 is served, and no earned time shall accrue until the category
13 "C" sentence has been served. If an inmate serving another
14 category sentence besides a category "C" sentence is sentenced
15 to serve a category "C" sentence, the sentence of the other
16 category sentence shall be interrupted, and no further earned
17 time shall accrue against that sentence until the category "C"
18 sentence is completed.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to criminal offenses involving a victim 15
23 years of age or younger.

24 The bill changes the definition of kidnapping in the second
25 degree to include any kidnapping where the victim is 15 years
26 of age or younger. A person who commits kidnapping in the
27 second degree commits a class "B" felony. A class "B" felony
28 is punishable by confinement for no more than 25 years.

29 Kidnapping in the second degree is also classified as a 70
30 percent sentence under Code section 902.12. If the kidnapping
31 in the second degree is determined to be sexually motivated,
32 the person is also subject to the sex offender registry.

33 Under current law there are two sentence categories relating
34 to the accrual of earned time. An inmate serving a category
35 "A" sentence is eligible for a reduction of sentence equal to

1 one and two-tenths days for each day the inmate demonstrates
2 good conduct and satisfactorily participates in any program or
3 placement status identified by the director of the department
4 of corrections to earn the reduction. An inmate serving a
5 category "B" sentence under current law is eligible for a
6 reduction of sentence equal to fifteen eighty-fifths of a day
7 for each day of good conduct by the inmate.

8 The bill creates a category "C" sentence for the accrual
9 of earned time by eliminating the ability of an inmate
10 convicted of any of the following Code section felony offenses
11 to accumulate earned time if the victim of the offense
12 was 15 years of age or younger at the time the offense was
13 committed: 707.3 (murder in the second degree), 707.11
14 (attempt to commit murder), 709.2 (sexual abuse in the first
15 degree), 709.3 (sexual abuse in the second degree), 709.4
16 (sexual abuse in the third degree), 709.8 (lascivious acts
17 with a child), 709.11(1) or (2) (assault with intent to commit
18 sexual abuse), 709.15(4)(a) or (5)(a)(sexual exploitation by a
19 counselor, therapist, or school employee), 710.3 (kidnapping
20 in the second degree), 710.4 (kidnapping in the third degree),
21 710A.2(2) or (4) (human trafficking), and 728.12 (sexual
22 exploitation of a minor).

23 Under the bill, if a person is sentenced to serve both
24 a category "C" sentence and another category sentence, the
25 category "C" sentence shall be served before the other category
26 sentence is served, and no earned time shall accrue until the
27 category "C" sentence has been served. The bill also provides
28 that if an inmate serving another category sentence besides
29 a category "C" sentence is sentenced to serve a category "C"
30 sentence, the sentence of the other category sentence shall be
31 interrupted, and no further earned time shall accrue against
32 that sentence until the category "C" sentence is completed.